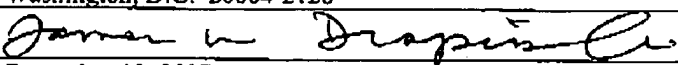



TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/935,873
		Filing Date	August 23, 2001
		First Named Inventor	Thomas Lemmons
		Group Art Unit	2623
		Examiner Name	Chowdhury, Sumaiya A.
Total Number of Pages in This Submission	14	Attorney Docket Number	043978-010000
ENCLOSURES (check all that apply)			
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment Under 1.111 <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Accept an Unintentionally Delayed Claims for Priority Under 37 C.F.R. §1.78(a)(3) <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input type="checkbox"/> A self-addressed prepaid postcard for acknowledging receipt <input type="checkbox"/> Other Enclosure(s) (please identify below):	RECEIVED CENTRAL FAX CENTER DEC 19 2007
Remarks		<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 50-3557 for the above identified docket number.	
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	James W. Drapinski Reg. No. 46,242 Nixon Peabody LLP 401 9 th Street, N.W. Suite 900 Washington, D.C. 20004-2128		
Signature			
Date	December 19, 2007		
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]			
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December 19, 2007 Date		 Signature	
		Linda Clinkenbeard Typed or printed name	

10194539.1

FEE TRANSMITTAL FOR FY 2007

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$100.00)

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number

50-3557

Deposit
Account
Name

Nixon Peabody LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	310	2001	155	Utility filing fee	
1002	210	2002	100	Design filing fee	
1003	200	2003	100	Plant filing fee	
1004	300	2004	150	Reissue filing fee	
1005	200	2005	100	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
42	40	2 X 50	100.00
Independent Claims	3	X 210	
Multiple Dependent		X	0

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	210	2201	105	Independent claims in excess of 3
1204	200	2204	100	** Reissue independent claims over original patent
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$100.00)

**or number previously paid, if greater; For Reissues, see above

Complete if Known

Application Number 09/935,873
Filing Date August 23, 2001
First Named Inventor Thomas Lemmons
Examiner Name Chowdhury, Sumaiya A.
Art Unit 2623
Attorney Docket No. 043978-010000

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FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1111	510	2111	255	Utility Search Fee
1311	210	2311	105	Utility Examination Fee
1812	2,520	1812	2,520	For filing a request for ex parte reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	130	2251	60	Extension for reply within first month
1252	460	2252	225	Extension for reply within second month
1253	1,050	2253	510	Extension for reply within third month
1254	1,640	2254	795	Extension for reply within fourth month
1255	2,230	2255	1,080	Extension for reply within fifth month
1401	510	2401	250	Notice of Appeal
1402	510	2402	250	Filing a brief in support of an appeal
1403	1,030	2403	500	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	510	2452	250	Petition to revive - unavoidable
1453	1,540	2453	750	Petition to revive - unintentional
1501	1,400	2501	700	Utility issue fee (or reissue)
1504	300			Publication fee
1503	1,130	2503	550	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Sheet
8021	40	8021	40	Revolving cash patent assignment per property (times number of properties)
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))
1801	810	2801	395	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

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December 19, 2007

Date

Signature

Linda Clinkenbeard

Typed or printed name

SUBMITTED BY

Name (Print/Type) James W. Drapinski
Registration No. 46,242
Signature *James W. Drapinski*
Telephone (415) 984-8200
Date December 19, 2007

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Docket No. 043978-010000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 19 2007

In re Patent Application of:

Thomas Lemmons

Serial No.: 09/935,873

Filed: August 23, 2001

For: SYSTEM AND METHOD FOR
OPTIMIZING BROADCAST
BANDWIDTH AND CONTENT

)

) Group Art Unit: 2623

) Examiner: Chowdhury, Sumaiya A.

) Confirmation No.: 9453

) Date: December 19, 2007

)

)

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(37 C.F.R. § 1.8(a))

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Commissioner for Patents at (571) 273-8300.

December 19, 2007

Date

Linda Clinkenbeard

AMENDMENT UNDER 37 C.F.R. § 1.111Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following Amendments and Remarks are made in response to the Office Action mailed on September 20, 2007. Reexamination and reconsideration of the application in light of the Amendments and Remarks are respectfully requested.

Amendments to the Claims, begins on page 2 of this paper.**Remarks** begin on page 10 of this paper